

Student Grievance Policy

Policy Number	700.06.02	Custodian	Student Services Dean
Approved Date	6-21-2022		
Effective Date	6-21-2022	Review Date	
References: Higher Education Act (HEA), Grade Appeal, Student Handbook, Student Code of Conduct, Employee Handbook, Sexual Harassment, Title IX Policy			

1. Purpose

To provide students with a structured way to pursue a timely resolution to a legitimate grievance against a college employee. Sexual harassment and misconduct are addressed in the Sexual Harassment and Title IX Policies.

2. Persons Affected

- 2.1. Students
- 2.2. Employees

3. Policy

This policy is to ensure the following:

- 3.1. WETCC complies with the Program Integrity Rule of the Higher Education Act, which requires that each college authorized to offer post-secondary education in one or more states ensure access to a complaint process that permits students to address:
 - Alleged violations of state consumer protection laws that include but are not limited to fraud and false advertising.
 - Alleged violations of state laws or rules relating to the licensure of post-secondary institutions.
 - Complaints relating to the quality of education or other tribal, state or accreditation requirements.
- 3.2. WETCC does not discriminate based on race, sex, gender identity (including gender expression), sexual orientation, national origin, religion, veteran status, disability, age, family/parental status, income derived from a public assistance program, political affiliation, reprisal or retaliation for prior civil rights activity, or other characteristic protected under applicable tribal, federal, or state law in the admission or access to or treatment or employment in its educational programs or activities.

4. Definitions

- 4.1. Grievance. Expressions of dissatisfaction by a student related to his or her college education or circumstance that they think are unfair, inappropriate, or violate WETCC policies or procedures.

- 4.2. Responsible Employee. The student services dean, academic dean, or HR staff who oversees the formal resolution process and grievance hearing.
- 4.3. Retaliation. Negative repercussions from taking an action. WETCC prohibits retaliation for the use of this policy.

5. Procedures

Students who believe they have been discriminated against or treated unfairly may seek resolution through the student grievance process except for sexual harassment and misconduct violations. Disagreement with the college's policies, procedures, or regulations, is not grounds for a grievance. Grievances may be addressed through an informal resolution, formal resolution, grievance hearing, or the process provided by the Minnesota Office of Higher Education.

Informal Resolution

- 5.1. Students are encouraged to try to resolve a grievance before initiating a formal grievance. For academic matters, students should contact their instructor. If a satisfactory resolution is not reached, students may seek a resolution by following the chain of command up to the academic dean. For other matters, students should contact the employee with whom they have a concern or conflict. If a satisfactory resolution is not reached, students may seek a resolution by following the chain of command up to the director level. Students who are uncertain of who to contact or how to begin a resolution may ask their academic advisor or the student services dean for assistance. Students who are not satisfied with the informal resolution may pursue a formal resolution.

Formal Resolution

- 5.2. Students who wish to have a formal resolution must submit a written grievance statement to the appropriate employee no later than 5 business days after becoming aware of the perceived events that led to the grievance. Students submit their written statements to:
 - the student service dean for a grievance against a student.
 - the academic dean for a grievance against a faculty member.
 - Human Resources (HR) for a grievance against any other employee.
 - the Board of Trustees chairperson for a grievance against the president.

The employee who receives the complaint is called the responsible employee. Students wanting assistance with writing and submitting the statement can contact the student services dean, academic dean, or HR.

- 5.3. Upon receipt of the grievance statement, the responsible employee reviews the grievance statement and may dismiss the complaint or meet with the involved parties to

seek resolution within 10 business days of receiving the grievance statement if the matter has merit. If the parties reach a resolution, the responsible employee issues a written agreement.

Students who are not satisfied with a proposed resolution may request a grievance hearing from the responsible employee. The responsible employee provides the student authorization for a grievance hearing or notification that there is no basis for an appeal and the process ends. The responsible employee's decision is final.

HR retains documents about the informal resolution such as the grievance statement, resolutions taken, and final resolution for 7 years.

Grievance Hearing

5.4. The responsible employee convenes a three-person grievance panel consisting of an administrator, full-time faculty, and full-time staff member (the responsible employee cannot be a panel member) and provides the panel with copies of pertinent information before the hearing. The panel selects a chairperson, hears testimony, questions witnesses, reviews evidence, and makes a decision. The chairperson schedules a hearing within 10 business days of when the student was granted a hearing.

The grievance panel conducts the hearing according to the following guidelines.

- The chairperson ensures a fair, orderly, and timely hearing.
- The hearing is closed to anyone who is not part of the proceeding. The panel may hear testimony from witnesses; however, witnesses may not stay for any part of the hearing for which the panel does not require their presence.
- The hearing is limited to concerns presented in the original grievance statement and those reasonably compelled by intervening developments.
- The grievance panel may request additional evidence.
- If a party fails to appear at the hearing, the grievance panel may base its decision on the documents provided and the presentation of the parties present.
- The chairperson records the proceedings, which is the official record. The recording may be audio or another method selected by the chairperson. Either party may request a copy of this recording from the chairperson.
- Each party may present witnesses and evidence. Each party must provide the other party with a list of witnesses and evidence at least 5 business days before the hearing. The presence of legal counsel is not permitted.

- The student may invite one support person to attend the hearing. The support person may not testify or participate in the hearing.
- Each party presents its case, starting with the student. Following the presentations, the panel may ask questions or request additional evidence. Witnesses who testify are open to questions from the panel and cross-examination from the other party.
- When the grievance panel is satisfied it has sufficient information to make an informed decision, the chairperson adjourns the hearing, and the panel meets in a closed conference. The panel arrives at its decision by majority vote.
- The chairperson submits a written decision signed by all panel members to the responsible employee within 5 business days of the close of the hearing. The panel’s decision will include pertinent facts, an aggregate vote tally, and the reasons for the panel’s decision. Panel members may include a dissenting opinion.
- The chairperson and responsible employee review the panel’s decision. The responsible employee accepts the decision or may request the panel continue deliberations if there are concerns about the decision or the hearing process. The panel would have up to 5 business days to submit its final decision to the responsible employee. The panel’s decision is final.
- The responsible employee provides the written decision to the student within 5 business days of receiving the decision from the chairperson.

HR retains documents about the grievance hearing such as the grievance statement, hearing recordings, resolutions taken, and the final decision for 7 years.

5.5. Student complaints may be filed with the Minnesota Office of Higher Education at this link: <http://www.ohe.state.mn.us/mPg.cfm?pageID=1078>.

Revision History

Rev. Date	Rev. No.	Revision
6-21-2022	700.06.02	Added a formal resolution process, separated the formal resolution and grievance hearing processes and added detail, added a grievance panel, added a time to retain records, and added a link (5.5) to file a complaint with the Minnesota Office of Higher Education.